

TOWN OF HARMONY

**CHAPTER 14 OF THE MUNICIPAL CODE
OF THE TOWN OF HARMONY, WISCONSIN**

BUILDING CODE

Section 1. TITLE. This chapter shall be known, cited, and referred to as the Town of Harmony Building Code.

Section 2. PURPOSE. The purpose of the Building Code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the general public, consumers, owners and occupants of residential, commercial, industrial and public buildings.

Section 3. SCOPE. This chapter shall control all matters concerning the construction alteration, addition, repair removal, demolition, use, location, occupancy and maintenance of all buildings, as well as towers and other structures served by utilities and located in the Town of Harmony.

Section 4. ADOPTION OF UNIFORM DWELLING CODE.

(1) The State of Wisconsin Uniform Dwelling Code contained in Chs. Comm 20 through 25, Wis. Adm. Code, and Subchapter II of Chapter 101, Wis. Stats., including any subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(2) Chapter Comm 20 through 25 Wis. Adm. Code, and Subchapter II, Ch. 101, Wis. Stats., shall apply to one and two family dwellings whose initial construction is undertaken on or after the dates specified in those regulations.

(3) For the purposes of local regulation of one and two family dwellings the provisions of the Uniform Dwelling Code shall apply to additions and alterations to buildings whose initial construction was lawfully begun after May 15, 1980. Such provisions shall apply to additions being constructed or the work involved in the alterations or repairs and shall not be constructed to apply to the existing building.

Section 5. ADOPTION OF STATE BUILDING AND HEATING CODE. The State of Wisconsin Building, Heating, Ventilating, and Air-Conditioning Code contained in Chs. Comm 60 through 65, Wis. Adm. Code, and subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

Section 6. EXISTING BUILDINGS. The following specified requirements shall apply to all existing buildings and structures which, for any reason, do not conform to the requirements of this ordinance.

(1) VALUE. Where the value of alterations and repairs to an existing building or structure is in excess of 50% of the assessed value of the building or structure divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessments, not deducting from such value any loss caused by fire or any other reasons, the entire building shall be made to conform to all of the requirements of this ordinance for new buildings or shall be entirely demolished.

(2) CONFORMANCE.

(a) Every alteration or repair to any structural part of any existing building shall be made to conform to all of the requirements of this ordinance, and all of the requirements shall apply to such alterations and repairs.

(b) Every addition to an existing building shall be made to conform to all of the requirements of this ordinance and all of the requirements of this ordinance shall apply to such additions.

(c) When the use of an existing building or structure, whether built under this ordinance or a previous code or prior to the date of first building code, is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to conform with all the requirements for the new use as provided in this ordinance.

1. Where the use of only a portion or portions of such buildings or structures is changed, then only such portion or portions of the building or structure need conform to the requirements of this ordinance.

2. The Building Inspector may, in his reasonable discretion, approve any change in use of an existing building or structure, even though the building is not made to fully conform to the requirements of this ordinance, when it is obvious that the change of use will not extend or increase any nonconformity and will not create, extend or increase any hazard.

(d) The Building Inspector may require that an existing building be made to conform to the requirements of this ordinance regulating the number, location, lighting, widths, heights and means of exiting where, in

his or her judgment, a hazard to the occupants, users, owners or the public exists.

(e) The requirements of Comm 21.03, Wis. Adm. Code, shall apply to exits in existing one- and 2-family buildings.

(f) The requirements of Wis. Stat. § 101.645 and Comm 62.0907 Wis. Adm. Code shall apply to the installation and maintenance of smoke detectors.

Section 7. ADMINISTRATION AND ENFORCEMENT.

(1) APPOINTMENT. A Building Inspector shall be appointed by the Town Board to administer and enforce all the provisions of this ordinance.

(2) RECORDS. The Building Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(3) RIGHT TO ENTRY. The Building Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in Wis. Stat. § 66.0119.

Section 8. VIOLATIONS AND PENALTIES.

(1) No person shall erect, alter, construct, enlarge, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, or part thereof, or cause or permit the same to be done contrary to or in violation of any of the provisions of this ordinance.

(2) Any violation of this ordinance constitutes a public nuisance and, in addition to any other remedies provided for its enforcement, the Town may bring civil suit to enjoin violations of any provision of this ordinance.

(3) Any person who shall violate any provision or any order made hereunder shall be subject to a forfeiture, This penalty shall be independent and exclusive of the right of the Town Board to revoke any license or permit. The amount of the forfeiture shall be not less than \$100 nor more than \$1,000 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

Section 9. APPEALS. An appeal may be taken to the Board of Adjustment by any person aggrieved by a decision of the Building Inspector. Such appeal shall be taken within 30 days after the decision or action complained of by filing with the Town Clerk a notice of appeal, together with the required filing fee, specifying the grounds thereof. Appeals involving matters under the jurisdiction of Chs. Comm 20 through 26, Wis. Adm. Code, shall be subject to the

provisions of Comm 20.21, Wis. Adm. Code. Appeals involving raze orders issued under Section 16 of this Ordinance and sec, 66.0413, Wis. Stats., shall be made to the circuit court within the time provided by sec. 66.0413, Wis. Stats.

Section 10. VARIANCES.

(1) Variances from the regulations of this ordinance, excepting variances from those regulations contained in Chs. Comm 20 through 25, Wis. Adm. Code, and sec, 66.0413, Wis. Stats., may be granted by the Board of Adjustment, where the Board finds that the granting of a variance will not violate any of the following standards for variance:

(a) The conditions upon which the petition for variance is based are unique to the building or structure and are not generally applicable to other buildings or structures in the same use classification.

(b) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

(c) Granting of the variance will not be detrimental to public welfare or injurious to other properties in the area.

(d) The variance will not, either to the property for which the variance is sought or neighboring properties, impair an adequate supply of light and air, increase the danger of fire, endanger the public safety or diminish or impair property values within the neighborhood.

(e) Conformance with the provisions from which relief is sought will cause a particular hardship as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

(2) Applications for variances under sub. (1) shall be filed in writing, together with the required filing fee, with the Town Clerk.

(3) Variances from regulations under the jurisdiction of Chs. Comm 20 through 25, Wis. Adm. Code, shall be subject to the provisions of Comm 20.19, Wis. Adm. Code.

Section 11. STOP ORDERS.

(1) Wherever any work is being done contrary to the provisions of this ordinance or before having obtained a permit authorized by the Building Inspector, the Building Inspector may order the work stopped by notice in writing served upon the permittee or the permittee's agent or any contractor engaged in doing the work or causing such work to be done, or by posting such stop order in a conspicuous place on

the premises and any person shall stop such work until authorized by the Building Inspector to proceed with the work.

(2) No person shall remove a stop order once posted or proceed with work after notice to stop work has been served or posted, and any person who shall remove such notice or continue work after such notice has been posted or served shall be subject to a forfeiture.

Section 12. PERMITS.

(1) **REQUIRED.** A permit shall be obtained before beginning construction, alteration, repair, improvement, demolition or moving any building or structure, using application forms prescribed and furnished by the Building Inspector.

(2) **EXCEPTIONS.** This ordinance shall not require a building permit for:

(a) Minor repairs, maintenance or alterations whose value does not exceed \$2,500 and which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building or structure.

(b) Installation of roof shingles, siding, furnace replacements, and air conditioning replacements for one and two family dwellings.

(3) **FAILURE TO OBTAIN.** Failure of the owner, agent, lessee or sublessee, or other responsible parties to obtain a permit prior to commencement of the work, shall subject the owners or other responsible parties to a double fee. Such fee shall not deny the Town any other legal right or remedy it may otherwise have under this ordinance and other applicable codes and regulations.

(4) **WEATHER RESISTANT CARD.** The Building Inspector shall issue, with each permit, a weather resistant card which shall be posted in a conspicuous place on the front of the building or structure where the work is being done. Such card shall be placed not more than 15 feet above adjacent grade, shall be unobstructed from public view and shall remain in place during the entire period of the work.

(5) **WORK TO COMMENCE WITHIN SIX MONTHS.** All building permits and plan approvals shall be void unless work has commenced within 6 months from original issue or approval. Where work has commenced within 6 months, the building permit shall expire by limitation two years from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(6) **REVOCATION.** If the Building Inspector shall find, at any time, that any of the ordinances of the Town or the plans and specifications are not being complied with,

the permit may be revoked by written notice to the owner or agent, or by posting a notice in a conspicuous place at the work site.

(7) REISSUANCE. If any such permit is revoked, no further work shall be done until the permit is reissued, excepting such work the Building Inspector may order done as a condition precedent to the reinstatement of the permit.

Section 13. PERMIT APPLICATIONS.

(1) Applications for permits to originally construct one and two family dwellings shall be made in the manner provided by Comm 20.09, Wis. Adm. Code.

(2) Applications for permits other than for original construction of one and 2 family dwellings shall be made upon a form prescribed by the Building Inspector and shall be signed by the owner or agent representing the owner. Each application, when deemed necessary by the Building Inspector, shall be accompanied by two sets of plans drawn of sufficient clarity to indicate the nature and extent of the proposed work and shall include a plot plan showing locations of existing and proposed buildings, property lines, adjacent grades, drainage facilities, easement, north arrow, street address and legal description.

Section 14. INSPECTIONS.

(1) Inspections of original construction of one and two family dwellings shall be conducted in the manner provided in Comm 20.10, Wis. Adm. Code.

(2) For construction other than construction regulated by subsection (1) above, and other than small accessory buildings such as sheds, and other than towers and other structures which are not buildings, the Building Inspector shall, upon notification from the contractor or his agent, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this ordinance:

(a) Footing Inspection. Footings shall be inspected after completion of excavation and all shoring and reinforcing is in place and prior to the placing of concrete. No concrete shall be placed until authorized by the Building Inspector or 3 work hours have elapsed after notification that the work is ready for inspection.

(b) Foundation. The foundation wall shall be inspected after all forms, if any, have been removed, waterproofing, where required, has been applied and before backfilling. No backfilling shall be done until 2 working days have elapsed following notification or the inspection has been made and approved.

(c) Framing. The framing inspection shall be made after all structural elements, framing, fire blocking, bracing, plumbing pipes and vents, electrical wiring and chimneys are in place and complete. No walls, ceilings or structural elements may be covered or concealed from view until the framing, rough plumbing, rough electrical and rough heating inspections have been made and approved or 3 working days have elapsed following notification that the work is ready for inspection.

(d) Insulation. The insulation inspection shall be made after all insulation and vapor barriers required by this ordinance or included as a part of the plans and specifications, have been completely installed. The insulation and vapor barriers shall not be covered or concealed from view until the inspection has been made and approved or 3 working days have elapsed following notification that the work is ready for inspection.

(e) Final. Upon completion of all of the work to be done, but prior to occupancy, the Building Inspector shall make, or cause to be made, a final inspection to determine compliance with code and all other applicable regulations are found. If no violations of this ordinance or other applicable regulations are found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used, the maximum load and the maximum number of people who may be accommodated on each floor.

(3) For construction of small accessory buildings and for construction of towers and other structures which are not buildings, the Building Inspector shall, in his reasonable discretion, determine a schedule for inspections that will reasonably assure the structural integrity of the structure.

Section 15. OCCUPANCY CERTIFICATE.

(1) No building constructed for human occupancy or part thereof shall be occupied until the Building Inspector has issued a certificate of occupancy certifying that no violation of this ordinance or any other applicable regulation exists, nor shall any building be occupied in any manner conflicting with the conditions set forth in the certificate of occupancy. The Building Inspector shall send a copy of the certificate of occupancy to the Town Clerk.

(2) When the use of a building changes, a new certificate of occupancy shall be obtained prior to reoccupation of the building, or any part thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

(3) The Building Inspector may permit the occupancy of buildings, or part thereof, prior to completion where, in his or her judgment and discretion, a particular

hardship exists. Such permission shall be in writing and may not be issued until the Building Inspector has inspected the building, or parts thereof, to be occupied and determined that there are no deficiencies that would be hazardous to the health, safety or welfare of the occupants. Such written permission shall state a time definite by which all required work shall be completed. Failure to complete the work during the time required or violations in such work, will cause the owner to be subject to penalties as provided in General Ordinance No. 67 and possible vacation of the building.

Section 16. UNSAFE BUILDINGS.

(1) Section 66.0413, Wis. Stats., is hereby adopted by reference and incorporated herein as if it were fully set forth and made a part hereof.

(2) The Building Inspector is empowered to act for the Town under sec, 66.0413, Wis. Stats., relating to condemnation and razing of buildings.

Section 17. ALTERNATE MATERIALS AND METHODS.

(1) The provisions of this ordinance are not intended to prevent the use of any material or method of construction not specifically prescribed by this ordinance, provided such alternate has been approved. The Building Inspector may approve any such alternate provided he or she finds that the proposed design is satisfactory and complies with accepted design criteria. The Building Inspector may require evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(2) Materials and methods used in the construction of dwellings regulated by the Uniform Dwelling Code shall comply with the requirements of Comm 20.18, Wis. Adm. Code.

Section 18. DEFINITIONS. In addition to the definitions set forth in Comm 20.07 and Comm 62.0202, Wis. Adm. Code, the following terms, phrases, words, abbreviations and their derivatives shall have the meaning indicated in this section unless otherwise expressly stated. Words used in the present tense include the future; words used in the masculine gender, the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined, they shall have their ordinary accepted meanings or such as the context may imply.

(1) **ACCEPTED ENGINEERING PRACTICES.** That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

(2) **BUILDING.** Any structure used, designed or intended for the protection, shelter or enclosure of persons, animals or property.

(3) **CURB HEIGHT OR LEVELS.** The elevation of the established curb measured at right angles to the reference point. Where no curb is established, the grade at the centerline of the street shall be used.

(4) FOOTING. That portion of the foundation which spreads and transmits loads directly to soil or pilings.

(5) FOUNDATION. The supporting structure, below the floor nearest and above grade, upon which the superstructure of a building or structure rests.

(6) MANUFACTURED DWELLING. A structure sometimes called a modular home or prefabricated home, which is regulated by the Wisconsin Uniform Dwelling Code, Chapters 20 to 25, or amendments thereto. A manufactured dwelling is identified with a red sticker called a "Wisconsin Insignia," imprinted with the outline of the State of Wisconsin and is manufactured in accordance with the requirements of Sections 101.60 to 101.66 and Sections 101.70 to 101.77 of the Wisconsin Statutes, When placed on the site, this structure is installed in accordance with the manufacturer's instructions, is properly connected to utilities and meets the other applicable standards and definitions of a Single-Family Dwelling.

(7) MANUFACTURED HOME. A structure that is certified and labeled as a manufactured home under 42 USC Sec. 5401 to 5426, which when placed on the site:

(a) Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

(b) Is installed in accordance with the manufacturer's instructions; and

(c) Is properly connect to utilities.

(8) SHALL. A term for mandatory use under the provisions of this Ordinance.

(9) SINGLE-FAMILY DWELLING, A single-family dwelling unit may be site constructed housing, manufactured dwellings or manufactured homes. Such single-family dwelling unites shall have the following required characteristics:

(a) The structure is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm 21, Subchapters III, IV, and V, Wis. Adm. Code, or amendments thereto, or is set on a comparable enclosed foundation system approved by the Town Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

(b) The structure is installed in accordance with the manufacturer's instructions;

(c) The structure is properly connected to utilities in accordance with and to Code; and

(d) The structure has a core living area which shall be a minimum of 24 feet in depth and have a length sufficient to meet the minimum square footage requirements of the particular zoning category in which the structure is located,

(10) **SITE-CONSTRUCTED HOUSING.** A structure built on-site in accordance with the State of Wisconsin Uniform Dwelling Code. When placed on the site, this structure is constructed and installed in accordance with the manufacturer's or builder's instructions, is properly connected to utilities and meets the other applicable standards and definition of a Single-Family Dwelling as found herein.

(11) **STRUCTURE.** Anything constructed upon and anchored to the ground or a foundation.

(12) **VALUE.** That price which the building or work will sell for on negotiations between a seller, willing but not obliged to sell, and a buyer, willing but not obliged to buy.

(13) **WRITING.** Shall include handwriting, typewriting, printing, photo-offset or any other form of reproduction in legible symbols or characters.

(14) **WRITTEN NOTICE.** Notification in writing delivered in person to the individual or to the parties intended, or delivered at or sent by certified mail to the last business address known to the party giving notice.

Section 19. GRADING OF LOTS.

(1) Lots and parcels shall be graded to provide for diversion of water away from buildings and structures and in such a manner as to prevent the accumulation of stagnant water.

(2) Where an existing lot grade is changed as a result of construction, regrading, filling or removal of soil, and paving, the grading shall be done in such a manner that water will not be diverted onto adjacent properties.

Section 20. FREESTANDING STORAGE SHEDS, DETACHED GARAGES AND AGRICULTURAL BUILDINGS.

(1) Freestanding storage sheds, detached garages and agricultural buildings not exceeding 100 square feet in area need not be built on a foundation or on footings,

but shall be anchored to resist displacement and movement by wind, large animals and vandals. Such buildings shall be designed to resist all loads as set forth in Comm 21.02, Wis. Admin. Code. All other freestanding storage sheds, detached garages and agricultural buildings shall have footings and foundations, or shall be on floating slabs consistent with Comm 21.16, Wis. Adm. Code.

(2) All manufactured freestanding storage sheds, detached garages and agricultural buildings shall be constructed according to manufacturer's specifications.

(3) All freestanding storage sheds, detached garages and agricultural buildings shall be constructed with trusses or rafters sufficient to bear roof loads consistent with Comm 21.27(1), Wis. Adm. Code.

(4) Any freestanding storage shed, detached garage or agricultural building with electrical wiring shall have wiring which is of a proper size, is properly insulated, and is properly connected in a manner designed to minimize potential for fire and injury in the reasonable judgment of the building inspector.

Section 21. ATTACHED SHEDS. Sheds attached to dwelling units shall be constructed according to the requirements of attached garages.

Section 22. TOWERS AND OTHER STRUCTURES. Towers and other structures which are not buildings, but are governed by the terms of this Chapter, shall be constructed in accordance with engineering and manufacturing plans for the same.

(This page intentionally left blank.)